



*JPW*

Docket No.: 0020-5146P  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Yoshinori SHIMIZU et al.

Application No.: 10/609,503

Confirmation No.: 1654

Filed: July 1, 2003

Art Unit: 2879

For: LIGHT EMITTING DEVICE WITH BLUE  
LIGHT LED AND PHOSPHOR  
COMPONENTS

Examiner: J. L. Williams

**AMENDMENT, PETITION AND FEE TO DELETE AND/OR ADD TO  
ORIGINAL ERRONEOUSLY NAMED OR NOT NAMED INVENTOR(S) IN  
-NONPROVISIONAL APPLICATION- DECLARATION  
(37 C.F.R. § 1.48(A))**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. This amendment and petition is to correct the incorrect original naming of inventor(s) in the declaration under 37 C.F.R. § 1.48(a) as set forth and filed on July 29, 1997.

Addition and/or Deletion of Inventor(s):

Add the following previously unnamed person(s) as inventor(s) of this application

Inventor: Residence (city and foreign country):

Eiji NAKANISHI Anan-shi, JAPAN

01/11/2006 SZEWDIE1 00000029 10609503

01 FC:1464

130.00 0P

Attachments:

2. A statement from:

each person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part. 37 C.F.R. § 1.48(a)(2).

a declaration by each of the actual inventors as required by 37 C.F.R. § 1.63. 37 C.F.R. § 1.48(a)(3).

written assent of the assignee (*if any of the original inventors executed an assignment*) 37 C.F.R. § 1.48(a)(5).

3. The fee as set forth in (37 C.F.R. § 1.17(i)).

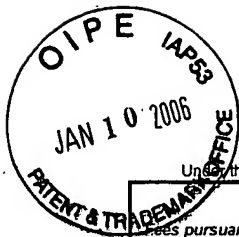
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: January 10, 2006

Respectfully submitted,

By *Esther H. Chong #40,953*  
Andrew D. Meikle  
Registration No.: 32,868  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant

Attachment(s)



PTO/SB/17 (12-04v2)

Approved for use through 7/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

|  |  |                          |                        |
|--|--|--------------------------|------------------------|
| <b>Effective on 12/08/2004.</b><br>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). |  | <b>Complete if Known</b> |                        |
| <b>FEE TRANSMITTAL</b><br><b>For FY 2005</b>   |  | Application Number       | 10/609,503-Conf. #1654 |
|  |  | Filing Date              | July 1, 2003           |
|  |  | First Named Inventor     | Yoshinori SHIMIZU      |
|  |  | Examiner Name            | J. L. Williams         |
|  |  | Art Unit                 | 2879                   |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27                             |  | Attorney Docket No.      | 0020-5146P             |
| <b>TOTAL AMOUNT OF PAYMENT</b>   |  | <b>(\$)</b>              | <b>130.00</b>          |

**METHOD OF PAYMENT (check all that apply)**

|  |                                      |   |                               |   |
|--|--------------------------------------|---|-------------------------------|---|
| <input checked="" type="checkbox"/> Check  | <input type="checkbox"/> Credit Card | <input type="checkbox"/> Money Order  | <input type="checkbox"/> None | <input type="checkbox"/> Other (please identify): _____ |
| <input type="checkbox"/> Deposit Account    Deposit Account Number: <u>02-2448</u> Deposit Account Name: <u>Birch, Stewart, Kolasch &amp; Birch, LLP</u> |                                      |   |                               |   |
| For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)   |                                      |   |                               |   |
| <input type="checkbox"/> Charge fee(s) indicated below   |                                      | <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee |                               |   |
| <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17                                    |                                      | <input checked="" type="checkbox"/> Credit any overpayments                       |                               |   |

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES |                       | SEARCH FEES |                       | EXAMINATION FEES |                       | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
|                  | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)         | Small Entity Fee (\$) |                |
| Utility          | 300         | 150                   | 500         | 250                   | 200              | 100                   |                |
| Design           | 200         | 100                   | 100         | 50                    | 130              | 65                    |                |
| Plant            | 200         | 100                   | 300         | 150                   | 160              | 80                    |                |
| Reissue          | 300         | 150                   | 500         | 250                   | 600              | 300                   |                |
| Provisional      | 200         | 100                   | 0           | 0                     | 0                | 0                     |                |

**2. EXCESS CLAIM FEES**

| Fee Description                                    | Fee (\$) | Small Entity Fee (\$) |
|--|----------|-----------------------|
| Each claim over 20 (including Reissues)            | 50       | 25                    |
| Each independent claim over 3 (including Reissues) | 200      | 100                   |
| Multiple dependent claims                          | 360      | 180                   |

|                      |                     |                 |                      |                                      |
|----------------------|---------------------|-----------------|----------------------|--------------------------------------|
| <u>Total Claims</u>  | <u>Extra Claims</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> | <u>Multiple Dependent Claims</u>     |
| _____ - 20 = _____   | x _____             | = _____         |                      | <u>Fee (\$)</u> <u>Fee Paid (\$)</u> |
| <u>Indep. Claims</u> | <u>Extra Claims</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |                                      |
| _____ - 3 = _____    | x _____             | = _____         |                      |                                      |

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets        | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|---------------------|--------------|--|----------|---------------|
| _____ - 100 = _____ | /50          | _____ (round up to a whole number) x             |          |               |

**4. OTHER FEE(S)**Non-English Specification, \$130 fee (no small entity discount)  
Other (e.g., late filing surcharge): 1808 Processing fee, except in provisional applications    130.00

|                     |                               |                                   |                  |
|---------------------|-------------------------------|-----------------------------------|------------------|
| <b>SUBMITTED BY</b> |                               |                                   |                  |
| Signature           | <u>Ethel D. Chong</u> #40,958 | Registration No. (Attorney/Agent) | 32,868           |
| Name (Print/Type)   | <u>Andrew D. Meikle</u>       | Telephone                         | (703) 205-8000   |
|                     |                               | Date                              | January 10, 2006 |



|  |                               |                        |
|--|-------------------------------|------------------------|
| <b>PROCESSING FEE</b><br><b>Under 37 CFR 1.17(i)</b><br><b>TRANSMITTAL</b><br>(Fees are subject to annual revision)<br><br>Send completed form to:<br>Commissioner for Patents<br>P.O. Box 1450<br>Alexandria, VA 22313-1450 | <b>Application Number</b>     | 10/609,503-Conf. #1654 |
|  | <b>Filing Date</b>            | July 1, 2003           |
|  | <b>First Named Inventor</b>   | Yoshinori SHIMIZU      |
|  | <b>Art Unit</b>               | 2879                   |
|  | <b>Examiner Name</b>          | J. L. Williams         |
|  | <b>Attorney Docket Number</b> | 0020-5146P             |

Enclosed is a paper filed under 37 CFR \_\_\_\_\_ 1.48 \_\_\_\_\_ that requires a processing fee (37 CFR 1.17(i)).  
Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop, if applicable. For transmittal of petition fees under 37 CFR 1.17(f), (g) or (h), see form PTO/SB/17p.

**Payment of Fees** (small entity amounts are NOT available for the processing fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 02-2448 :  
☐ processing fee under 37 CFR 1.17(i) ☒ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☒ Check in the amount of \$ 130.00 is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Processing Fees under 37 CFR 1.17(i): Fee \$130**

**Fee Code 1808 for all,  
Except for §1.221 papers (Fee Code 1803)**

For papers filed under:

- § 1.28(c)(3) – for processing a non-itemized fee deficiency based on an error in small entity status.
- § 1.41 – for supplying the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed by §1.63, except in provisional applications.
- § 1.48 – for correcting inventorship, except in provisional applications.
- § 1.52(d) – for processing a nonprovisional application filed with a specification in a language other than English.
- § 1.53(b)(3) – to convert a provisional application filed under § 1.53(c) into a nonprovisional application under §1.53(b).
- § 1.55 – for entry of late priority papers.
- § 1.71(g)(2) – to enter an amendment to the specification for purposes of 35 U.S.C. 103(c)(2) if not filed within the cited time periods
- § 1.99(e) – for processing a belated submission under § 1.99.
- § 1.103(b) – for requesting limited suspension of action, continued prosecution application (§ 1.53(d)).
- § 1.103(c) – for requesting limited suspension of action, request for continued examination (§ 1.114).
- § 1.103(d) – for requesting deferred examination of an application.
- § 1.217 – for processing a redacted copy of a paper submitted in the file of an application in which a redacted copy was submitted for the patent application publication.
- § 1.221 – for requesting voluntary publication or republication of an application. **Fee Code 1803**
- § 1.291(c)(5) – for processing a second or subsequent protest by the same real party in interest.
- § 1.497(d) – for filing an oath or declaration pursuant to 35 U.S.C. 371(c)(4) naming an inventive entity different from the inventive entity set forth in the international stage.
- § 3.81 – for a patent to issue to assignee, assignment submitted after payment of the issue fee.

|  |  |
|--|--|
| <u>Esther H. Chong #40958</u><br>Signature       | <u>January 10, 2006</u><br>Date                  |
| <u>Andrew D. Meikle</u><br>Typed or printed name | <u>32,868</u><br>Registration No., if applicable |



PATENT  
0020-5146P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Yoshinori SHIMIZU et al. Conf.: 1654  
Appl. No.: 10/609,503 Group: 2879  
Filed: July 1, 2003 Examiner: WILLIAMS, J.  
For: LIGHT EMITTING DEVICE WITH BLUE LIGHT  
LED AND PHOSPHOR COMPONENTS

STATEMENT BY NEW INVENTOR

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication is an attachment to a Petition to Correct Inventorship under 37 C.F.R. § 1.48(a), filed in connection with the above-identified application.

I, Eiji NAKANISHI of c/o NICHIA CORPORATION, 491-100, Oka, Kaminaka-cho, Anan-shi, Tokushima 774-8601 JAPAN, am a co-inventor of the above-identified application.

The inventorship error occurred without deceptive intention on my part.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false

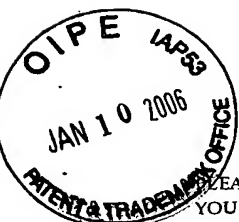
statements may jeopardize the validity of the application or any patent issued thereon.

Aug. 29, 2005  
Date

Eiji Nakanishi  
Signature

Eiji NAKANISHI

(Rev. 09/30/03)



PLEASE NOTE:  
YOU MUST  
COMPLETE THE  
FOLLOWING

## BIRCH, STEWART, KOLASCH & BIRCH, LLP

P.O. Box 747 • Falls Church, Virginia 22040-0747  
Telephone: (703) 205-8000 • Facsimile: (703) 205-8050

Attorney Docket No. 0020-5146P

### COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT AND DESIGN APPLICATIONS

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated next to my name; that I verily believe that I am the original, first and sole inventor (if only one inventor is named below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Insert Title: LIGHT EMITTING DEVICE WITH BLUE LIGHT LED AND PHOSPHOR COMPONENTS

the specification of which is attached hereto. If not attached hereto, the application is identified by the attorney docket number as set forth above and/or the following:

Fill in Appropriate Information - The specification was filed on 07/01/2003 as United States Application Number 10/609,503 ;

For Use Without Specification Attached: and was amended on February 13, 2004 and July 29, 2005 (if applicable) and/or the specification was filed on \_\_\_\_\_ as PCT International Application Number \_\_\_\_\_ ; and was amended on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representative or assigns more than twelve months (six months for designs) prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| Insert Priority Information (if appropriate) | Prior Foreign Application(s) | Priority Claimed   |
|--|------------------------------|--|
| (Number)                                     | P08-198585 JAPAN             | July 29, 1996 <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No      |
| (Number)                                     | P08-244339 JAPAN             | September 17, 1996 <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| (Number)                                     | P08-245381 JAPAN             | September 18, 1996 <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| (Number)                                     | P08-359004 JAPAN             | December 27, 1996 <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  |
| (Number)                                     | P09-081010 JAPAN             | March 31, 1997 <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No     |

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional applications(s) listed below.

| Insert Provisional Application(s): (if any) | (Application Number) | (Filing Date) |
|---|----------------------|---------------|
|   |                      |               |
|   |                      |               |

All Foreign Applications, if any, for any Patent or Inventor's Certificate Filed More than 12 Months (6 Months for Designs) Prior to the Filing Date of This Application:

| Insert Requested Information (if appropriate) | Country | Application Number | Date of Filing (Month/Day/Year) |
|---|---------|--------------------|---------------------------------|
|   |         |                    |                                 |
|   |         |                    |                                 |

I hereby claim the benefit under Title 35, United States Code, §120 of any United States and/or PCT application(s), including for continuation-in-part application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States and/or PCT application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| Insert Prior U.S. Application(s): (if any) | Patented          |
|--|-------------------|
| 09/458,024                                 | December 10, 1999 |
| (Application Number)                       | (Filing Date)     |
| 09/300,315                                 | April 28, 1999    |
| (Application Number)                       | (Filing Date)     |
| 08/902,725                                 | July 29, 1997     |
| (Application Number)                       | (Filing Date)     |

I hereby appoint the practitioners at CUSTOMER NO. 02292 as my attorneys or agents to prosecute this application and/or an international application based on this application and to transact all business in the United States Patent and Trademark Office connected therewith and in connection with the resulting patent based on instructions received from the entity who first sent the application papers to the practitioners, unless the inventor(s) or assignee provides said practitioners with a written notice to the contrary:

Send Correspondence to:

CUSTOMER NO. 02292 (BIRCH, STEWART, KOLASCH & BIRCH, LLP)  
Telephone: (703) 205-8000 • Facsimile: (703) 205-8050

PLEASE NOTE:  
YOU MUST  
COMPLETE  
THE  
FOLLOWING:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First  
or Sole Inventor:  
Insert Name of  
Inventor →  
Insert Date This  
Document is Signed

Insert Residence  
Insert Citizenship →

Insert Post Office  
Address →

Full Name of Second  
Inventor, if any:  
see above

Full Name of Third  
Inventor, if any:  
see above

Full Name of Fourth  
Inventor, if any:  
see above

Full Name of Fifth  
Inventor, if any:  
see above

Full Name of Sixth  
Inventor, if any:  
see above

|   |  |                        |
|---|--|------------------------|
| GIVEN NAME/FAMILY NAME<br>Yoshinori SHIMIZU   | INVENTOR'S SIGNATURE<br><i>Yoshinori Shimizu</i> | DATE*<br>Aug. 29, 2005 |
| Residence (City, State & Country)<br>Anan-shi, Tokushima, Japan   |  | CITIZENSHIP<br>JAPAN   |
| MAILING ADDRESS (Complete Street Address including City, State & Country)<br>c/o NICHIA CORPORATION, 491-100, Oka, Kaminaka-cho, Anan-shi, Tokushima 774-8601 JAPAN |  |                        |
| GIVEN NAME/FAMILY NAME<br>Kensho SAKANO   | INVENTOR'S SIGNATURE<br><i>Kensho Sakano</i>     | DATE*<br>Aug. 29, 2005 |
| Residence (City, State & Country)<br>Anan-shi, Tokushima, Japan   |  | CITIZENSHIP<br>JAPAN   |
| MAILING ADDRESS (Complete Street Address including City, State & Country)<br>c/o NICHIA CORPORATION, 491-100, Oka, Kaminaka-cho, Anan-shi, Tokushima 774-8601 JAPAN |  |                        |
| GIVEN NAME/FAMILY NAME<br>Yasunobu NOGUCHI  | INVENTOR'S SIGNATURE<br><i>Yasunobu Noguchi</i>  | DATE*<br>Sep. 1, 2005  |
| Residence (City, State & Country)<br>Anan-shi, Tokushima, Japan   |  | CITIZENSHIP<br>JAPAN   |
| MAILING ADDRESS (Complete Street Address including City, State & Country)<br>c/o NICHIA CORPORATION, 491-100, Oka, Kaminaka-cho, Anan-shi, Tokushima 774-8601 JAPAN |  |                        |
| GIVEN NAME/FAMILY NAME<br>Toshio MORIGUCHI  | INVENTOR'S SIGNATURE<br><i>Toshio Moriguchi</i>  | DATE*<br>Aug. 31, 2005 |
| Residence (City, State & Country)<br>Anan-shi, Tokushima, Japan   |  | CITIZENSHIP<br>JAPAN   |
| MAILING ADDRESS (Complete Street Address including City, State & Country)<br>c/o NICHIA CORPORATION, 491-100, Oka, Kaminaka-cho, Anan-shi, Tokushima 774-8601 JAPAN |  |                        |
| GIVEN NAME/FAMILY NAME<br>Eiji NAKANISHI  | INVENTOR'S SIGNATURE<br><i>Eiji Nakanishi</i>    | DATE*<br>Aug. 29, 2005 |
| Residence (City, State & Country)<br>Anan-shi, Tokushima, JAPAN   |  | CITIZENSHIP<br>JAPAN   |
| MAILING ADDRESS (Complete Street Address including City, State & Country)<br>c/o NICHIA CORPORATION, 491-100, Oka, Kaminaka-cho, Anan-shi, Tokushima 774-8601 JAPAN |  |                        |
| GIVEN NAME/FAMILY NAME  | INVENTOR'S SIGNATURE                             | DATE*                  |
| Residence (City, State & Country)   |  | CITIZENSHIP            |
| MAILING ADDRESS (Complete Street Address including City, State & Country)   |  |                        |

\*DATE OF SIGNATURE





PATENT  
0020-5146P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Yoshinori SHIMIZU et al. Conf.: 1654  
Appl. No.: 10/609,503 Group: 2879  
Filed: July 1, 2003 Examiner: WILLIAMS, J.  
For: LIGHT EMITTING DEVICE WITH BLUE LIGHT  
LED AND PHOSPHOR COMPONENTS

ASSENT OF ASSIGNEE TO CORRECTION  
AND/OR ADDITION OF INVENTORS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This letter is filed as part of a petition under 37 C.F.R.  
§ 1.48(a).

Assignee: NICHIA CORPORATION

Address: 491-100, Oka, Kaminaka-cho, Anan-shi,  
Tokushima 774-8601 JAPAN

Assignment

☒ recorded on July 29, 1997  
Reel 8804  
Frame 0037

Appl. No. 10/609,503

Assignee hereby assents to the correction of inventorship filed

☒ herewith

☐ on

Sep. 05, 2005  
Date

Eiji Ogawa  
Signature

Eiji OGAWA, President  
Type name and title of person  
authorized to sign on behalf  
of Assignee

(Rev. 09/30/03)